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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,338	07/20/2006	Namik Yilmaz	PHDL.0860-009	9481

26948 7590 03/03/2011

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EXAMINER	
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ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/597,338
Filing Date: July 20, 2006
Appellant(s): YILMAZ ET AL.

Carey Brandt Anthony
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/07/2011 appealing from the Office action mailed 5/10/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-3 are involved in this appeal.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,091,617	MAEHARA et al	2-1992
4,956,581	NILSSEN	9-1990

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maehara et al (US 5,091,617) in view of Nilssen et al (US 4,956,581) both cited by applicant. Maehara discloses a high frequency heating apparatus comprising a magnetron (19, Figure 1) generating microwave energy; a filament circuit (14 and 20, Figure 1); an inverter which ensures that the magnetron is powered by high-frequency rectified voltage via the energy obtained from a network (5 and 4, Figure 1) coupled to the resonant circuit (9, 12-13, Figure 1) and wherein a voltage obtained from the high

frequency current coming from the resonant circuit is multiplied by being raised and rectified (col. 1, lines 25-52). Maehara also discloses a noise dampening filter (41a and 41b, col. 7, lines 45-48). However, Maehara does not disclose a low-pass filter connecting to the ground. Nilssen discloses a low-pass filter connecting to the ground. It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Maehara to replace a noise filter with a low-pass filter connecting to the ground as taught by Nilssen in order to reduce noise from the feeding circuit.

(10) Response to Argument

Applicant argues that Maehara teaches away from the invention. This is not found persuasive. Maehara did not teach away from the invention, Maehara also want to reduce the noise, but using different method of reducing noise, and Nilssen's reference is using low pass filter to reduce noise, therefore, one ordinary skill in the art would combine Maehara and Nilssen.

Applicant argues that the combination of Maehara and Nilssen is not obvious and does not create the applicant's invention. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Maehara discloses all features of the claimed invention as disclosed above except a low-pass filter connecting to the ground. Nilssen discloses a

low-pass filter connecting to the ground. It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Maehara a low-pass filter connecting with the ground in order to reduce noise from the feeding circuit. Further, Maehara and Nilssen are both related to power supply to microwave heating field, therefore one ordinary skill in the art would look into these references to combine. Furthermore, the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Quang T Van/

Primary Examiner, Art Unit 3742

Conferees:

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742

/Henry Yuen/

Supervisory Patent Examiner, TC 3700